

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

JOHN MARSHALL COURTS BUILDING

BARBARA ANNE ANDERSON,)	CASE NO. 760CL06006790-00
)	
)	
Plaintiff,)	
)	
vs.)	
)	
ALFA LAVAL, INC., et al.,)	
)	
Defendant.)	
_____)	

DEPOSITION

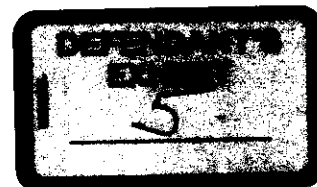
OF

BARBARA ANNE ANDERSON

VOLUME II

Taken by Defendant General Electric
Morrisville, North Carolina
Thursday, January 11, 2007

Reported by: Ranae McDermott, RMR, CRR



Page 189

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Page 192

CONTENTS

PAGE

3	CROSS-EXAMINATION BY MR. BURNS	193
4	RE-CROSS-EXAMINATION BY MR. RAINSFORD	195
5	RE-CROSS-EXAMINATION BY MR. STURM	197
6	RE-CROSS-EXAMINATION BY MR. COOK	198
7	CROSS-EXAMINATION BY MS. FISHER	199
8	RE-CROSS-EXAMINATION BY MR. BENNETT	217
9	RE-CROSS-EXAMINATION BY MR. PORETZ	223
10	FURTHER RE-CROSS-EXAMINATION BY MR. COOK	230
11	FURTHER RE-CROSS-EXAMINATION BY MR. RAINSFORD	237
12	RE-CROSS-EXAMINATION BY MR. ZIOGAS	238

EXHIBITS

EXHIBIT	DESCRIPTION	PAGE
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- NONE MARKED -

2 (Pages 189 to 192)

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Page 193

1 On January 11, 2007, commencing at
2 10:05 a.m., the continuation of the deposition of
3 BARBARA ANNE ANDERSON, was taken pursuant to the Rules
4 of the Supreme Court of Virginia on behalf of Defendant
5 General Electric at the Holiday Garden Inn, 1500 RDU
6 Center Drive, Morrisville, North Carolina.

PROCEEDINGS

8 Whereupon, BARBARA ANNE ANDERSON, having been
9 previously duly sworn, was examined and testified as
10 follows:

CROSS-EXAMINATION

BY MR. BURNS:

Q. Good morning, Mrs. Anderson.

A. Good morning.

15 Q. Hi. My name is Randy Burns. I think I
16 have just a couple things to ask you before we move
17 on to other things. I represent Owens-Illinois. And
18 I want to ask you about your employment at the glass
19 plant a little bit.

20 My -- my suspicion is that you were in the
21 boxing department; is that right?

A. Yes.

Q. Or whatever they called it back then.

24 At that time, the company assembled boxes
25 in one area and then they moved it down a conveyor

Page 195

1 testimony you can give us today about being exposed
2 to anything you think contained asbestos at that
3 glass plant, can you?

A. I don't know where I got asbestos.

Q. Okay.

6 MS. KEYES: Randy, we will stipulate
7 that we're not claiming exposure were from the
8 Owens-Illinois glass bottling plant.

9 MR. BURNS: Great. Thank you very
10 much, Ms. Anderson.

THE WITNESS: You're welcome.

MR. BURNS: And Ms. Keyes.

MS. KEYES: You're welcome, Mr. Burns.

14 MR. RAINSFORD: Ms. Anderson, good
15 morning. I've got a couple questions for you.

RECROSS-EXAMINATION

BY MR. RAINSFORD:

18 Q. I'm going to start with your father's
19 career. He worked as a pipe fitter for a while at
20 the shipyard.

21 Do you recall what job he had after he left
22 the shipyard?

A. No, I don't.

24 Q. Do you recall what job he had prior to
25 working at the shipyard?

Page 194

1 belt to another and somebody else put the bottles in
2 the boxes, right?

A. That's correct.

4 Q. There's no manufacturing operation in terms
5 of the glass making where you were, right?

A. No.

7 Q. The lehrs and furnaces were in a different
8 part of the plant, right?

9 A. Well, they were on the bottom floor. I was
10 on the top floor.

Q. Okay. And it was --

A. And there was an open space above.

13 Q. Sure. And generally the ovens and the
14 lehrs are at one end of the plant and then the
15 finished products come out right at the other end of
16 the plant?

A. Okay. I don't know where the ovens were.

18 Q. Okay. That's fine. Let me just cut to the
19 chase then.

20 Based on what Mr. Sturm asked you
21 yesterday, I don't think you're claiming any exposure
22 to asbestos at the Owens-Illinois glass plant, are
23 you?

A. I have no idea, you know.

25 Q. Let me put it to you this way: There's no

Page 196

A. No, I don't.

2 Q. You discussed yesterday some construction
3 work that was done at various jobs that you had in
4 the 1960s, '70s and '80s. What would you typically
5 wear to work at those jobs?

A. Myself?

Q. Yes, ma'am.

A. A skirt, a top or a suit.

9 Q. And do you recall roughly with what
10 frequency the construction was being performed at any
11 job site between 1962 and 1980?

12 A. It was always ongoing at all of the
13 different military facilities that I was at, so...

14 Q. Would there be days or weeks where there
15 was no construction ongoing at these buildings?

16 MS. FISHER: Objection. Asked and
17 answered.

18 THE WITNESS: Yeah, I'm sure there
19 were days where there was no construction going on.

MR. RAINSFORD: That's all I have.

Thank you, ma'am.

THE WITNESS: You're welcome.

23 MR. STURM: I have just one follow-up
24 to that.

REDIRECT EXAMINATION

3 (Pages 193 to 196)

Page 197

1 BY MR. STURM:

2 Q. Can you provide us any information about
3 the -- about the work your father did either prior to
4 the time he worked at the shipyard or after he worked
5 at the shipyard?

6 MS. FISHER: Objection. Asked and
7 answered.

8 A. Yeah. I have no, you know, knowledge of
9 what he did.

10 Q. Okay.

11 A. I know that --

12 Q. So the type of work he was doing, the
13 trade, anything like that?

14 A. No.

15 MS. FISHER: Objection. Asked and
16 answered.

17 Q. Okay. Whether or not the -- the work that
18 he did caused him to be around dusty conditions?

19 MS. FISHER: Objection.

20 Q. Do you have any knowledge of that?

21 MS. FISHER: Objection. Form.

22 A. No, because I don't know exactly what type
23 of work he was doing.

24 Q. Okay. Thank you.

25 MS. FISHER: Okay. Anybody else?

Page 198

1 MR. COOK: I'll ask a few more real
2 quick, since no one else covered this.

3 RECROSS-EXAMINATION

4 BY MR. COOK:

5 Q. Ma'am, after we ended the deposition
6 yesterday and prior to today, did you meet with your
7 attorneys at all?

8 A. No. They took me -- took me home. That
9 was all.

10 Q. That was all?

11 Okay. Did -- after we concluded yesterday
12 and prior to today, did you review any documents in
13 preparation for today's deposition?

14 A. No.

15 Q. And are you on any medication today?

16 A. I've held off on my pain pill.

17 Q. Okay.

18 A. And -- and I took a cholesterol pill.

19 Q. And so to your knowledge, you're able to
20 give us your best testimony today?

21 A. Yes. I -- I can.

22 Q. Great.

23 MR. COOK: That's all the questions I
24 have. Thank you, ma'am.

25 THE WITNESS: Okay.

Page 199

1 MS. FISHER: Okay. Anyone else?

2 Okay.

3 CROSS-EXAMINATION

4 BY MS. FISHER:

5 Q. Mrs. Anderson, I'm going to ask you a few
6 questions.

7 A. Okay.

8 Q. Okay. First I want to go back to the time
9 that your father worked at the Portsmouth Naval
10 Shipyard as a pipe coverer and insulator.

11 A. Um-hum.

12 Q. When your father came home from work, what
13 condition were his clothes in?

14 MR. STURM: Objection. Form.

15 A. They were dusty and dirty.

16 Q. Okay. And what did you do with your
17 father's clothes before you washed them?

18 MR. STURM: Objection. Form,
19 foundation.

20 THE WITNESS: Do I still answer?

21 Q. You can answer.

22 A. Okay. Like I said yesterday, I would shake
23 the clothes, check the pockets for anything that was
24 in them and then put them in the washing machine.

25 Q. Okay. And what kind of condition did that

Page 200

1 create in the kitchen where you were doing the
2 laundry?

3 MR. STURM: Objection. Form.

4 A. Well, dust and dirt would come from the
5 clothes.

6 Q. Okay. And did you breathe the dust?

7 MR. STURM: Objection. Form.

8 MR. PORETZ: Objection.

9 A. Sure. I was standing right there.

10 Q. Okay. Thank you.

11 Okay. Moving on. During the deposition
12 yesterday you were asked about the names of the joint
13 compound products that you saw while you were at work
14 during your civil service. Can you again tell us
15 what those names were?

16 MR. PORETZ: Objection to form.

17 MR. COOK: Objection.

18 MR. PORETZ: Asked and answered.

19 Q. You can answer.

20 A. Okay. Bondex, Georgia-Pacific, and US
21 Gypsum.

22 Q. Okay. And how did you become familiar with
23 the names of those three products?

24 MR. BENNETT: Objection. Form, asked
25 and answered.

4 (Pages 197 to 200)

Page 201

1 A. You know, through observing them at the
2 workplace when I walked through, those were the names
3 that are familiar to me --
4 Q. Okay.
5 A. -- over the years of civil service work.
6 Q. Okay. Okay. Now, I'm going to ask you
7 about each location where you worked. When you
8 started at Oceana, you were a telephone operator; is
9 that right?
10 A. Yes.
11 Q. And then you became a supply clerk?
12 A. Yes.
13 Q. During that time, did you see construction
14 or renovation going on at the location where you
15 worked in Oceana?
16 MR. PORETZ: Objection to form.
17 MR. COOK: Objection. Asked and
18 answered.
19 A. Yeah, it -- well, it was ongoing in, you
20 know, all of these locations.
21 Q. Okay. Can you describe for us what type of
22 work you remember seeing ongoing?
23 MR. COOK: Objection to form.
24 A. Yeah. You know, the partitions being put
25 up, the drywall being put up, the -- the mud being

Page 202

1 put on them.
2 Q. Um-hum.
3 A. And then, you know, containers or buckets
4 around the site.
5 Q. Okay. And what kind of conditions were
6 created when that work was going on?
7 MR. COOK: Objection to the form.
8 MR. BENNETT: Objection to form.
9 MR. PORETZ: Objection. Foundation.
10 A. Well, when you walked past, you know, there
11 would, of course, be dust and kind of like on the
12 floors and, you know -- it was dusty.
13 Q. Okay. In your work area, can you describe
14 where your office or your desk was located?
15 MR. BENNETT: Objection to form.
16 A. At this location or at --
17 Q. At -- at Oceana.
18 A. It was in the main -- the main room. There
19 was a large room that had a lot of desks and then,
20 you know, a hallway you would go to get to it and --
21 and then there were rooms off to the sides.
22 Q. Okay.
23 A. And mine was out in the open.
24 Q. Okay. And which products do you remember
25 seeing at Oceana when the work was ongoing?

Page 203

1 MR. COOK: Objection to the form.
2 MR. PORETZ: Objection.
3 MR. BENNETT: Objection to the form.
4 Leading.
5 A. I just recall those three products that
6 I've seen at these various locations.
7 Q. Okay. Those three products; Bondex
8 Georgia-Pacific and US Gypsum?
9 MR. COOK: Objection to the form,
10 leading.
11 MR. PORETZ: Objection.
12 Q. When you saw workers working with these
13 three products, what -- I'm sorry. I already asked
14 you this. Let me move on.
15 You said the conditions were dusty. Did
16 the dust go into your work area?
17 MR. BENNETT: Objection to form.
18 A. I'm sure it did. It was, you know, an open
19 passageway.
20 Q. Okay. And would you have breathed that
21 dust?
22 MR. BENNETT: Objection to form.
23 MR. PORETZ: Objection.
24 MR. COOK: Objection.
25 A. Absolutely not if I knew it would bother

Page 204

1 me.
2 MR. BENNETT: Withdraw the objection.
3 Q. You wouldn't have breathed it if you could
4 have helped breathing it; is that what you're saying?
5 A. Correct.
6 MR. PORETZ: Objection. Leading,
7 form.
8 MR. COOK: Objection.
9 Q. So are you saying you might have breathed
10 it?
11 MR. PORETZ: Objection.
12 MR. COOK: Objection. Form.
13 A. If I knew then what I know today, I would
14 have turned around and gone home or I would have gone
15 to the authorities and reported that they can't do
16 that.
17 Q. Okay. Did you see any warnings on the
18 products that you saw when you were working at
19 Oceana?
20 A. I don't recall any warnings.
21 Q. Okay. If you had seen warnings, what would
22 you have done?
23 MR. COOK: Objection.
24 MR. PORETZ: Objection. Speculative,
25 form.

5 (Pages 201 to 204)

Page 205

1 A. Well, the same response that I just gave.
2 I certainly would have gotten away from it and I
3 would have reported it so that no one else would get
4 injured.

5 Q. Okay. All right. Now, I'm going to move
6 on to Dam Neck training when you were an accounts
7 maintenance clerk.

8 A. Um-hum.

9 Q. Did you see construction or renovation
10 going on at that location?

11 MR. COOK: Objection.

12 MR. BENNETT: Form, asked and
13 answered.

14 A. I can only say that it was an ongoing type
15 of thing. I can't, you know, pinpoint a specific,
16 you know, construction like that.

17 Q. Okay. And what was the type of work
18 that -- that you would have seen --

19 MR. BENNETT: Object to form.

20 Q. -- at Dam Neck training?

21 MR. COOK: Same objection.

22 MR. BENNETT: Object to form.

23 A. What type of work?

24 Q. What type of -- you said you saw work
25 ongoing. What -- what type of construction or

Page 207

1 partitions, two-by-fours. They would put sheetrock
2 up, or whatever. They put that white board up and
3 they would put the mud up. And then after it was
4 dry, I remember them sanding it, either took a --
5 like a trowel in their hand or one on a pole.

6 Q. Okay. And when you saw that work, what
7 kind of condition did it create?

8 MR. COOK: Objection. Form.

9 A. Well, if they were sanding, of course, it
10 made, you know, a dusty residue everywhere.

11 Q. Okay. And which products did you see when
12 you were at Dam Neck training facility?

13 MR. BENNETT: Object to form.

14 MR. COOK: Objection to form.

15 MR. BENNETT: Asked and answered.

16 Misstates prior testimony. Leading.

17 A. These three products that I recall --

18 Q. Um-hum.

19 A. -- are the ones I saw. But I saw them in
20 several locations and I cannot pinpoint, you know, it
21 was at that location.

22 Q. Okay. Now, we'll move on. We're going to
23 talk about -- again, we're talking about specific
24 locations.

25 So the next one we'll talk about is Public

Page 206

1 renovation work was going on?

2 MR. BENNETT: Object to form.

3 Misstates prior testimony.

4 A. Ask your question again.

5 Q. Okay. You said that you saw work going on
6 at Dam Neck training facility when you were an
7 accounts maintenance clerk. What kind of work did
8 you see?

9 MR. BENNETT: Object to form.

10 Misstates prior testimony.

11 A. Yeah. What I said was during my 22 years
12 in civil service, I saw ongoing renovations; the
13 drywall, the patch, all this stuff. I remember these
14 names, and it was -- it was a given. I cannot tell
15 you on this day I saw that construction going on.

16 Q. I understand. Thank you.

17 Will you describe the process that the
18 workers went through when you observed them doing
19 work?

20 MR. PORETZ: Objection. Asked and
21 answered, form.

22 MR. BENNETT: Objection. And
23 misstates prior testimony.

24 A. Okay. What I recall from over the years of
25 observations is that they would put -- put up

Page 208

1 Health Hospital where you were a voucher examiner.
2 Did you see construction or renovation going on at
3 the Public Health Hospital?

4 MR. COOK: Objection to form.

5 MR. BENNETT: Objection. Form, asked
6 and answered.

7 A. Same thing with the other buildings. There
8 was always renovation on the old buildings.

9 Q. Okay. And is the renovation process the
10 one that you've described for Dam Neck training and
11 for Oceana?

12 A. They were all --

13 MR. PORETZ: Objection to form.

14 A. They were all the same or similar process.

15 Q. Okay. And what type of condition was
16 created in the Public Health Hospital when you saw
17 that work ongoing?

18 MR. BENNETT: Object to form.

19 MR. COOK: Objection to form.

20 A. The same conditions in all these cases.

21 Q. Um-hum.

22 A. If they were sanding, it was dusty. And
23 anytime you're working in maintenance and
24 construction, you know, they do create a mess.

25 Q. Okay. Okay --

6 (Pages 205 to 208)

Page 209

1 When you were at your work area and this
2 work was -- the renovations were ongoing, did you
3 breathe the dust that was created?

4 MR. BENNETT: Objection.

5 MR. COOK: Objection to form.
6 Foundation.

7 A. I can only say I was in the same area and
8 it was an open space, so I can only assume that I
9 did.

10 Q. Okay. The next place you worked from 1974
11 to 1975 was the Naval Air Station and Supply; is that
12 correct?

13 A. Yes.

14 Q. Okay. During that time period, did you see
15 construction or renovation going on?

16 MR. COOK: Objection. Form.

17 A. *The same response. I saw it in each of
18 the locations I was at; but, you know, that's all I
19 can --

20 Q. Okay.

21 A. * -- can say.

22 Q. The type of work that you described being
23 done at the previous locations, is it the same
24 process?

25 MR. COOK: Objection. Form.

Page 210

1 A. Yeah. On the last question, I said I -- it
2 was -- I saw it being --

3 THE WITNESS: Would you repeat what I
4 said? I want to make sure I get it right.

5 (*ANSWER READ.)

6 A. In that response, meaning I saw ongoing
7 over the years in all of these locations. There was
8 always some of this, you know, construction being
9 done.

10 Q. Okay.

11 A. Okay. And your next question?

12 Q. When this work was ongoing, what condition
13 was created in the Public -- I'm sorry -- in the
14 Naval Air Station, what condition was created by the
15 work --

16 MR. COOK: Objection.

17 Q. -- that was on going?

18 MR. COOK: Objection to form.

19 A. Anytime I was around any type of -- of this
20 type of construction, there was always dust and, you
21 know, sort of clean up and that -- that's what I
22 remember.

23 Q. Okay. When you say "cleanup," do you
24 mean -- what do you mean by "cleanup"?

25 A. Well, workers would have to sweep up and,

Page 211

1 you know, clean up the mess that they created when
2 they had done all of the sanding and everything.

3 Q. And was that cleanup process dusty?

4 MR. COOK: Objection. Form, leading.

5 A. Yes, it was -- whatever came off when they
6 sanded was swept and got in the area, so it was
7 dusty.

8 Q. And you say the dust was in the air after
9 they were sweeping. It was the same air that was
10 around your work area.

11 MR. PORETZ: Objection to form.

12 MR. COOK: Objection.

13 MR. PORETZ: Form, leading.

14 MR. COOK: Same objection.

15 Q. Is that right?

16 A. Yes. Most of my jobs were out in the open.
17 And if a -- and if a particular type of maintenance
18 or renovation was going on, it was done within a
19 fairly close proximity.

20 Q. Okay. So did you breathe the dust that was
21 in your open work area?

22 MR. COOK: Objection. Form, leading.

23 A. Yes, I did, because it was in, you know, an
24 open area.

25 Q. Okay. The cleanup process that you

Page 212

1 described at the Naval Air Station when you were in
2 supply, was that a process that went on in the prior
3 locations at the Public Health Hospital, at Dam Neck
4 training and at Oceana?

5 MR. COOK: Objection. Form, leading.

6 A. Okay. As I said before, you know, since I
7 started the government until the end of the
8 government, you know, in the older days it was going
9 on, you know, and I was really aware of it. Later as
10 it got towards the time I was leaving the
11 government --

12 Q. Um-hum.

13 A. -- I didn't notice as much because the
14 buildings were newer and they were using military
15 construction to -- you know, to make new facilities.

16 Q. Okay. Do you remember the products that
17 you remember -- I'm sorry. Strike that.

18 What products do you remember seeing when
19 you were at the Naval Air Station in terms of the
20 joint compound?

21 MR. BENNETT: Objection.

22 MR. COOK: Objection to form.

23 MR. BENNETT: Leading. Misstates
24 prior testimony. Lack of foundation.

25 A. Okay. I just remember those three names.

7 (Pages 209 to 212)

Page 213

1 I can't tell you which one.

2 Q. Okay. So do you remember Bondex at the
3 locations?

4 MR. COOK: Objection. Form and
5 mischaracterizes the prior testimony.

6 MR. BENNETT: Objection to form.
7 Asked and answered, lacks foundation.

8 A. Yeah. I can only say that those are the
9 three over the years that I remember seeing on the
10 job sites. I don't -- I don't recall if it was
11 specifically one or the other.

12 Q. Okay. So the three that you recall are
13 Bondex, United States Gypsum and Georgia-Pacific?

14 MR. BENNETT: Objection. Leading,
15 asked and answered, form.

16 MR. COOK: Objection.
17 Mischaracterizes prior testimony.

18 MR. BENNETT: Lacks foundations.

19 MS. KEYES: Come on. You know under
20 the Virginia rules, confine your objections to form,
21 please.

22 MR. COOK: Mary, just for the
23 record --

24 MS. KEYES: I learned that from David.

25 MR. COOK: Just for the record, we're

Page 215

1 they would mark off the room and then they would come
2 back and put up drywall and then they -- they would
3 mud the drywall; wait for it to dry. They would come
4 back after it was dry and they'd sand it. Sometimes
5 they would come back twice and sand it. But, you
6 know, that's -- that's all I can tell you.

7 Q. Okay. And did the workers that you saw,
8 did they clean up after they were finished putting up
9 the partitions?

10 MR. COOK: Objection. Form.

11 A. Sure.

12 Q. And what type of condition did that create?

13 MR. COOK: Objection to form.

14 A. It created a dust residue when they did the
15 sanding.

16 Q. Okay. Did you breathe the dust?

17 MR. COOK: Objection. Form.

18 A. Since I was around it, I assume I did.

19 Q. Okay. The next location we'll talk about
20 is the naval station in Norfolk at the staff civil
21 engineer's office. It was from 1976 to 1978; is that
22 right?

23 A. Correct.

24 Q. Okay. In the staff civil engineer's
25 office, did you see construction and/or renovation

Page 214

1 trying to give her as much notice as we can to
2 correct the deficiencies.

3 MS. KEYES: I understand, Eric, and I
4 appreciate it.

5 Q. Okay. We're going to move on to CINCLANT
6 Fleet, the first time you were there. That was in
7 1975 and '76; is that right?

8 A. Correct.

9 Q. Okay. At that location, did you see
10 construction or renovation going on?

11 MR. COOK: Objection. Form.

12 A. Okay. CINCLANT Fleet was one of the older
13 buildings. I saw maintenance men. It was an
14 acceptable practice. That's all I can tell you.

15 Q. Okay. And what was an acceptable practice?

16 A. To go around and, you know, change
17 positions of, you know, different rooms to create,
18 you know, subdivided rooms and, you know, to put up
19 partitions.

20 Q. Okay. In the process of putting up those
21 partitions, would you describe that?

22 MR. PORETZ: Objection to form, asked
23 and answered.

24 A. When you put up those rooms, what I
25 observed was they would use two-by-fours. They --

Page 216

1 going on?

2 MR. COOK: Objection. Form.

3 A. I can't recall, you know, on that one. You
4 know, I just know that most of -- you know, all the
5 others that I was at, you know, I just want to be
6 honest and say either I recall it or I don't. I -- I
7 can't recall that one.

8 Q. Okay. And after the naval station at the
9 staff civil engineer's office, is it correct that you
10 went back to CINCLANT Fleet?

11 A. Yes.

12 Q. Okay. At that location, did you see --
13 during that time period, your second service time at
14 CINCLANT Fleet, did you see construction and/or
15 renovation going on?

16 MR. COOK: Objection. Form.

17 A. Okay. That's another real old building.
18 They were -- they were -- you know, there was ongoing
19 type of construction type maintenance projects that
20 were done.

21 Q. And is it the same process that you have
22 described for us previously?

23 A. Yes.

24 MR. COOK: Objection. Form.

25 Q. In creating the partitions?

8 (Pages 213 to 216)

Page 217

1 MR. COOK: Objection. Form.
 2 A. Yes.
 3 Q. Okay. And what type of condition was
 4 created as a result of the construction and
 5 renovation that you observed?
 6 MR. COOK: Objection. Form.
 7 A. Dusty, dirty.
 8 Q. Okay. Did you breathe the dust --
 9 MR. COOK: Objection to form.
 10 Q. -- that was created?
 11 MR. COOK: I'm sorry. Objection.
 12 Form.
 13 A. I was there. I can only assume I did.
 14 Q. Okay. Thank you.
 15 MS. FISHER: Okay. I just want to go
 16 through my notes. I believe I'm finished, but we'll
 17 take a little break. About five minutes; is that all
 18 right? Okay.
 19 (RECESS.)
 20 RECROSS-EXAMINATION
 21 BY MR. BENNETT:
 22 Q. Ms. Anderson, hi. This is Josh Bennett
 23 again. And I just have a few follow-ups to what your
 24 attorney just talked to you about.
 25 I want to talk to you specifically about

Page 218

1 the -- your job sites when you were a contractor with
 2 the Navy.
 3 Do you remember Mr. Sturm asking you about
 4 those sites yesterday?
 5 A. Yes.
 6 Q. Okay. And do you remember telling him that
 7 you cannot -- for each of those job sites that you
 8 could not specifically recall any construction being
 9 done at those job sites?
 10 MS. FISHER: Objection. Form.
 11 A. No. I didn't -- I didn't say that I did
 12 not recall any construction going on. I said it was
 13 ongoing and I observed it over a period of time.
 14 Q. All right. Well, can I -- and I've got
 15 a -- I guess what is a rough copy of your testimony
 16 from yesterday, and I'm just going to read a little
 17 bit of it.
 18 This is page 101, lines 4 to 9. And
 19 Mr. Sturm's question was: Okay. You could say
 20 specifically with respect to the naval -- Fifth Naval
 21 District position that you didn't recall any
 22 construction work going on around you, right?
 23 And your answer was: I can only say I
 24 don't recall it.
 25 Now, is that incorrect?

Page 219

1 MS. FISHER: Objection. Form.
 2 MR. STURM: That's the page.
 3 THE WITNESS: Oh.
 4 MS. KEYES: Do you want to read her
 5 the former contents, what she was talking about
 6 there?
 7 MR. BENNETT: Sure.
 8 MS. FISHER: Yeah. These pages are
 9 weird. It goes 1, 2, 3, so. I'm sorry, which page
 10 are you on?
 11 MR. BENNETT: I was on page 101, lines
 12 4 through 9.
 13 MS. FISHER: Let me just mark it for
 14 you.
 15 MR. COOK: For the record,
 16 Ms. Anderson has been handed a copy of page 101.
 17 MR. BENNETT: Thank you.
 18 MS. KEYES: Take your time and read it
 19 over.
 20 THE WITNESS: Okay.
 21 (PAUSE.)
 22 A. Okay. The part where my answer was "I can"
 23 and then it says, "I can only say I don't recall."
 24 Q. Yes, ma'am.
 25 A. What you're asking is, am I saying that I

Page 220

1 did not -- did not -- that I did not see anything
 2 going on around me?
 3 Q. I guess my question is -- and I'll be more
 4 specific -- you have used the word "ongoing" to
 5 describe the construction that -- that you saw.
 6 And you've -- and in talking to --
 7 testifying to your attorney earlier, you said that
 8 you remember it being ongoing over your 22 years in
 9 the Navy, correct?
 10 A. Correct.
 11 Q. Okay. So my question -- and just to verify
 12 what we talked -- you talked about yesterday with
 13 Mr. Sturm -- is that while you remember some
 14 construction being ongoing during your time in the
 15 Navy, you do not have a specific recollection of
 16 specific construction at a -- at each particular job
 17 site.
 18 MS. FISHER: Objection. Form.
 19 A. I have recollection of actually seeing
 20 these things. After 40 or 50 years, I can't tell you
 21 if it was in this hallway, down that hallway, you
 22 know, I can only tell you that. I can't tell you
 23 specifically where in what part of the building I was
 24 in it took place or what -- you know, I can only tell
 25 you that as I passed, I saw these things. You know.

9 (Pages 217 to 220)

Page 221

1 Q. So I guess I'm still confused. Are you
2 saying that you do have a specific recollection of
3 specific construction going on, say, for example, at
4 the Fifth Naval District?

5 MS. FISHER: Objection. Form.

6 A. I cannot tell you specifically where I saw
7 a worker in a particular building I worked in or what
8 office he was working on or what hallway he was
9 working on. I just know that it was -- it was done
10 during my tenure in the -- in civil service, and I
11 observed it and -- and it happened at all of these
12 facilities. It wasn't just one office I worked in.

13 Q. And your -- your tenure in civil service
14 being 22 years starting in 1962 and ending in the
15 mid-1980s?

16 A. '85.

17 Q. '85.

18 And on a similar point, you've named a
19 couple of joint compound manufacturers, correct?

20 A. Yes.

21 Q. Do you have a specific recollection of one
22 of those specific joint compound manufacturers at one
23 of these sites or is it, again, that you remember it
24 generally from that 22- or 23-year period that you
25 were working for the Navy?

Page 222

1 MS. FISHER: Objection. Form.

2 MR. COOK: Objection to the form.

3 MS. FISHER: Asked and answered.

4 A. Over the 22 years, in trying to correctly
5 recollect what I recall from my work period, those
6 are the only names that I can come up with.

7 Q. Well, so do you have a specific
8 recollection of a particular joint compound
9 manufacturer being, say, at the Fifth Naval District
10 Station?

11 MS. FISHER: Objection. Form, asked
12 and answered.

13 A. No, I don't.

14 Q. Is -- is there any job site that you worked
15 at while you were a contractor for the Navy where --
16 that you remember a specific joint compound
17 manufacturer?

18 MS. FISHER: Objection. Form, asked
19 and answered.

20 A. I can only tell you those are the ones that
21 I remember while I was working.

22 Q. Over that 22-year period?

23 A. Correct.

24 MR. BENNETT: Well, I think that's all
25 I've got. Thank you.

Page 223

RECROSS-EXAMINATION

BY MR. PORETZ:

3 Q. I have a couple of follow-ups. My name is
4 Jeff Poretz.

5 A. Yes, Jeff.

6 Q. I just want to be clear on this. You can't
7 place a particular joint compound at a particular
8 site?

9 MS. FISHER: Objection to form, asked
10 and answered.

11 Q. Can you?

12 A. I can only tell you that I observed these
13 names in passing, going to work on the job site,
14 those three.

15 Q. Okay.

16 A. It had to have been at one of these
17 locations that I worked at.

18 Q. But you can't tell me which location a
19 particular product was used?

20 MS. FISHER: Objection. Form, asked
21 and answered.

22 A. I can only tell you that it was at one of
23 the locations or two or three.

24 Q. You're not sure how many of the locations?

25 MS. FISHER: Objection. Form.

Page 224

1 A. Right.

2 Q. Now, I just want to be clear on this. I
3 think I understand, but just so we're clear, I
4 understand -- what I understand your testimony from
5 yesterday and today to be is that you would walk past
6 these construction jobs on your way to your desk,
7 correct?

8 MS. FISHER: Objection. Form.

9 A. Yes. It would be close by, but it wouldn't
10 be at my desk that this was taking place.

11 Q. Right. You would walk past the
12 construction job to your desk, though?

13 MS. FISHER: Objection. Form, asked
14 and answered.

15 Q. Correct?

16 A. Yes.

17 Q. Okay. And you never stopped to work at the
18 construction job?

19 A. The construction jobs --

20 MS. FISHER: Objection to form, asked
21 and answered.

22 A. -- or the maintenance jobs were in small
23 buildings, so they were right -- right there.

24 Q. But you never stopped to work at that
25 construction?

10 (Pages 221 to 224)

Page 225

1 A. I may have stopped and talked to the
2 workers. I --

3 Q. Do you have any specific recollection of
4 talking to any of the workers?

5 MS. FISHER: Objection. Form.

6 A. Well, in -- in a small office, you always
7 are friendly and talk to everybody.

8 Q. Do you remember any particular worker that
9 you talked to and any particular day that you talked
10 to them?

11 MS. FISHER: Objection to form.

12 A. I can't give you a name.

13 Q. But, typically, you would walk past the
14 workers on your way to your desk. Fair enough?

15 MS. FISHER: Objection. Asked and
16 answered.

17 A. I can't say I did that every time.

18 Q. Well, your job duties were not to work with
19 the construction --

20 A. No.

21 Q. -- folks?

22 MS. FISHER: Objection. Form.

23 A. But in a small organization, the
24 maintenance people perhaps are, you know, people you
25 work with every day. You just don't --

Page 226

1 Q. Do you remember -- I'm sorry. Did you
2 finish your answer?

3 A. That's fine.

4 Q. Did you ever -- do you have any
5 recollection of ever stopping to assist the
6 construction workers?

7 A. No. I would never assist a construction
8 worker. That wasn't my job.

9 Q. Now, as I understand it, the construction
10 you've spoken about in the last two days involves
11 partitions?

12 MS. FISHER: Objection. Form.

13 A. Yes.

14 Q. And any other construction that you're
15 speaking about?

16 MS. FISHER: Objection. Form.

17 A. That's all that I recall.

18 Q. Um-hum.

19 A. There was always construction or
20 maintenance projects going on, but the only thing I
21 vaguely remember was the partitions and the --

22 Q. And these are vague recollections?

23 MS. FISHER: Objection. Form.

24 A. Well, they must be strong enough that I
25 remember them over that many years.

Page 227

1 Q. But you don't remember what years, what
2 site the various joint compounds were out?

3 MS. FISHER: Objection. Form, asked
4 and answered.

5 A. I remember they were over a 22-year period
6 and they occurred all during that time at different
7 locations.

8 Q. Okay. Now, the partitions that you spoke
9 of yesterday and today, looking back at my notes from
10 yesterday indicates that the partitions were put up
11 for new workers when there were new workers that came
12 on board?

13 A. Not necessarily.

14 Q. Okay.

15 A. Could be a reorganization, somebody wanted
16 more office space or they wanted to reorganize --

17 Q. How -- how --

18 A. -- a base.

19 MS. KEYES: Let her finish her answer.

20 Q. Yes, I apologize. Did you finish?

21 A. Yes.

22 Q. How often was there reorganization in your
23 23 years?

24 A. People were always being moved around --

25 Q. And reorganizations typically occurred at

Page 228

1 change of administration in government.

2 MS. FISHER: Objection. Form.

3 Q. True?

4 A. A majority of the time. But there was
5 also --

6 Q. That's every -- go ahead.

7 A. But there was also an individual head of an
8 office would decide they wanted their people moved
9 around.

10 Q. So a majority of the time, the re --
11 reorganizations would occur when there was a change
12 in the administration?

13 MS. FISHER: Objection. Form.

14 A. I can't answer that.

15 MS. FISHER: Asked and answered,
16 mischaracterizes prior testimony.

17 Q. There would be a change in administration
18 every four to eight years, correct?

19 A. Perhaps.

20 MS. FISHER: Objection to form.

21 Q. And every four to eight years, there would
22 be change -- there would be these new partitions
23 going up?

24 A. No.

25 MS. FISHER: Objection. Form.

11 (Pages 225 to 228)

Page 229

1 Q. Okay. Other than change in the
2 administration, do you have any specific recollection
3 of times when partitions went up because of change in
4 personnel?

5 MS. FISHER: Objection to form.

6 A. I can only tell you if somebody put a work
7 order in to have something done, it was done. It
8 happened on an ongoing basis. It didn't necessarily
9 have to be a change of command. And it wasn't every
10 four or eight years. It was all the time.

11 Q. Can you give me the number of partitions in
12 the 22 years that went up?

13 MS. FISHER: Objection. Form.

14 A. I never counted them.

15 Q. Could you give me an estimate?

16 MS. FISHER: Objection. Form, asked
17 and answered.

18 A. That wasn't my focus.

19 Q. Your focus was on your job.

20 MS. FISHER: Objection. Form.

21 A. My job and --

22 (Witness moves head up and down.)

23 Q. You had calculators at your job?

24 MS. FISHER: Objection. Asked and
25 answered.

Page 230

1 MS. KEYES: We did the calculators
2 yesterday, Jeff.

3 A. Some of them.

4 Q. Do you remember the manufacturer of the
5 calculator?

6 MS. FISHER: Objection. Form.

7 A. They were different ones.

8 Q. Do you remember any of the manufacturers?

9 MS. FISHER: Objection. Asked and
10 answered.

11 A. I can't -- I can't tell you that.

12 MR. PORETZ: That's all I have. Thank
13 you.

14 THE WITNESS: Um-hum.

15 FURTHER RECROSS-EXAMINATION

16 BY MR. COOK:

17 Q. Hello again, ma'am. I have a few quick
18 questions. And I'm going to try to make it real
19 quick, but since your attorney went location by
20 location, I'm going to do that as well.

21 A. Um-hum.

22 Q. I anticipate I'm going to know your
23 response, so I'm going to ask it in yes-or-no
24 fashion. If you can please answer me yes or no, it
25 would speed things along. If you feel you need to

Page 231

1 explain further, please do so. Okay?

2 A. Okay.

3 Q. Other than saying the joint compound
4 manufacturer was one of the three joint compound
5 manufacturers you mentioned earlier, can you tell me
6 the name of a specific joint compound manufacturer or
7 product used at Oceana?

8 MS. FISHER: Objection. Form, asked
9 and answered.

10 A. I can only tell you that I observed the
11 different products. I cannot tell you which
12 particular location they were observed at.

13 Q. And as I understand that, that would be a
14 no? Your answer would be no as to Oceana; is that
15 correct?

16 MS. FISHER: Objection. Form,
17 mischaracterizes testimony.

18 A. Repeat your question again.

19 Q. Other than saying that it was one of the
20 three joint compounds, can you tell me the name of a
21 specific joint compound that was used while you were
22 working at Oceana?

23 MS. FISHER: Objection. Asked and
24 answered.

25 A. No. It's one of those three.

Page 232

1 Q. Okay. And that -- that's what I think your
2 answer is going to be, and I'm just trying to clear
3 up the record because I think it's a little bit
4 confused right now.

5 Other than saying it's one of the three
6 joint compounds that you mentioned, can you tell me a
7 specific name of a joint compound that was used while
8 you were working at Dam Neck?

9 MS. FISHER: Objection. Asked and
10 answered.

11 A. The same answer. I assume my response was
12 that way, but go ahead.

13 Q. And so as I understand your answer, you can
14 only say it's one of the three, but you can't tell me
15 a specific name; is that correct?

16 MS. FISHER: Objection. Asked and
17 answered.

18 A. It was one of those three names. Okay.

19 Q. Okay. Other than saying it was one of the
20 three names, can you tell me a name of a specific
21 joint compound that was used while you were working
22 at the Public Health Hospital?

23 MS. FISHER: Objection. Form, asked
24 and answered.

25 A. No.

12 (Pages 229 to 232)

Page 233

1 Q. Other than saying it was one of the three
2 names of joint compounds, can you tell me the name of
3 a specific joint compound that was used while you
4 were working at the Naval Air Station?

5 MS. FISHER: Objection. Form, asked
6 and answered.

7 A. No.

8 Q. Other than saying it was one of the three
9 joint compounds that you mentioned, can you tell me
10 the name of a specific joint compound that was used
11 while you were working at CINCLANT Fleet the first
12 time?

13 MS. FISHER: Objection to form, asked
14 and answered.

15 A. No.

16 Q. Other than saying it's one of the three
17 joint compounds that you've mentioned, can you tell
18 me the name of a specific joint compound that was
19 used while you were working at the staff civil
20 engineering department at the naval station in
21 roughly 1976 to 1978?

22 MS. FISHER: Objection. Form, asked
23 and answered.

24 A. Let me ask you on your question --

25 Q. Yes.

Page 234

1 A. -- you're saying other than those three,
2 can I name any other? Is that what you said?

3 Q. No. We'll go back to the beginning then.

4 A. No. No.

5 Q. Okay.

6 A. I just want to make sure that I get --

7 Q. Is that how you understood my questions?

8 A. This last one I did, but go ahead.

9 Q. Is that how you understood the previous
10 questions?

11 A. No.

12 Q. All right. Well, let me rephrase it so I
13 get back to where we were with the other ones.

14 Other than saying that it is one of the
15 three joint compounds that you mentioned earlier, can
16 you tell me the name of a specific joint compound
17 that you remember being used while you were working
18 at the staff civil engineering department at the
19 naval station between roughly 1976 and 1978?

20 MS. FISHER: Objection. Form, asked
21 and answered.

22 A. Maybe I'm not listening closely. I thought
23 you said other than those three --

24 Q. Um-hum.

25 A. -- can I think of a specific name that was

Page 235

1 used, which eliminated those three.

2 Q. Okay. I want to know, of those three, can
3 you tell me which one of those three, if you remember
4 which one of those three, was used while you were at
5 the staff civil engineering department at the naval
6 station between 1976 to 1978.

7 A. Now that was clear to me.

8 Q. Okay.

9 A. No. One of those three.

10 Q. Okay. Of the three names that you've
11 mentioned, can you tell me which one of those three
12 names of joint compounds you believe was used at
13 CINCLANT Fleet while you were working there the
14 second time?

15 MS. FISHER: Objection. Form, asked
16 and answered.

17 A. No. One of those three.

18 Q. Okay. And I'm going to -- I'm going to go
19 back just because I think we may be a little bit
20 confused and I want the record to be clear on this.
21 So I'm going to go back through four or five of these
22 real quick.

23 A. Okay.

24 Q. Of the three names of joint compound
25 manufacturers that you've mentioned, can you tell me

Page 236

1 which one of those you remember, if you remember,
2 being used while you were working at Oceana?

3 MS. FISHER: Objection. Form, asked
4 and answered.

5 A. No. One of those three.

6 Q. Okay. Of the three joint compound
7 manufacturers that you've mentioned, can you tell me
8 which one of those you remember, if you do remember,
9 being used while you were working at Dam Neck?

10 MS. FISHER: Objection. Form, asked
11 and answered.

12 A. No. One of those three.

13 Q. Of the three joint compound manufacturers
14 that you remember, can you tell me which one of
15 those, if you do remember, was being used while you
16 were present at the Public Health Hospital?

17 MS. FISHER: Objection. Form, asked
18 and answered.

19 A. No. One of those three.

20 Q. Of the three joint compound manufacturers
21 that you mentioned, can you tell me which one of
22 those three was being used -- strike that. Let me
23 rephrase that.

24 Of the three joint compound manufacturers
25 that you mentioned earlier, can you tell me which one

13 (Pages 233 to 236)

Page 237

1 of those three you remember, if you do remember,
2 being used at the Naval Air Station?

3 MS. FISHER: Objection. Form, asked
4 and answered.

5 A. No. One of those three.

6 Q. Of the three joint compound manufacturers
7 that you remember, can you tell me which one of those
8 three you remember, if you do remember, being used at
9 CINCLANT Fleet while you were working there the first
10 time?

11 MS. FISHER: Objection. Form, asked
12 and answered.

13 A. No. One of the three.

14 MR. COOK: That's all the questions I
15 have, ma'am. I -- I apologize for having to go back
16 through that.

17 THE WITNESS: That's all right.

18 MR. COOK: But thank you very much.

19 THE WITNESS: Um-hum.

20 FURTHER RECROSS-EXAMINATION

21 BY MR. RAINSFORD:

22 Q. I've got one quick question for you, ma'am,
23 if you don't mind.

24 The construction guys you saw at these
25 various job sites, do you know if they were

Page 239

1 but I don't know if she has a breathing problem or
2 not.

3 Q. Okay. To your knowledge, has she been
4 treated for emphysema or any type of breathing
5 condition? I mean, you may see her having some
6 difficulty breathing generally because of age and
7 condition --

8 A. Well, she --

9 Q. -- but specifically a breathing condition
10 or a problem with her lungs, to your knowledge?

11 A. Well, she's been in the hospital several
12 times with fluid building up in her lungs, and then
13 they -- after they do whatever they do to her, then
14 they release her. But prior to this, we haven't
15 thought to check her for anything. But I'm certainly
16 going to do that now.

17 Q. Okay. And prior to today, your mother
18 hasn't gone to be checked for any type of
19 asbestos-related condition relating to her lungs to
20 your knowledge?

21 A. Right. And when I -- when I went in the
22 hospital, I wasn't looking for that either.

23 Q. I understand. But -- but the answer is no,
24 to your knowledge, she has not been tested specific
25 for any type of asbestos-related --

Page 238

1 government employees?

2 A. I have no way of knowing.

3 MR. RAINSFORD: That's all I have.
4 Thank you.

5 THE WITNESS: Okay.

6 MR. ZIOGAS: May I ask just a couple
7 of questions?

8 RECROSS-EXAMINATION

9 BY MR. ZIOGAS:

10 Q. Ms. Anderson, it may be in my notes and I'm
11 sorry if I'm duplicating.

12 How old is your mother?

13 A. Eighty-seven.

14 Q. Eighty-seven.

15 And you told us that she had been disabled
16 for quite a while. Does she, to your knowledge, have
17 any type of breathing problems --

18 MS. FISHER: Objection. Form.

19 Q. -- or medical conditions affecting her
20 breathing?

21 A. Well, of course, she is older and she does
22 have rheumatoid arthritis in her back.

23 Q. Right.

24 A. So she's in bed a lot. And she's on
25 medication a lot, so she does appear to have them,

Page 240

1 A. No, she has not.

2 Q. -- condition?

3 A. No.

4 MR. ZIOGAS: Okay. Thank you.

5 THE WITNESS: Um-hum.

6 MS. FISHER: Okay. This concludes the
7 discovery deposition of Barbara Anderson.

8 MR. COOK: If I could just put a
9 statement on the record before we conclude the
10 deposition?

11 MS. KEYES: Sorry, it's already
12 concluded, Eric.

13 MR. COOK: I think I was quick enough.

14 MS. KEYES: You shut up.

15 MR. COOK: The Defendants reserve the
16 right to redepose Ms. Anderson based on the
17 determination by the court as to the attorney/client
18 privilege and instruction not to answer questions
19 asserted by Ms. Anderson's counsel during the course
20 of the Discovery deposition and pending a ruling by
21 the court as to attorney/client -- client privilege
22 issues.

23 MS. KEYES: And our position is,
24 obviously, that the deposition is concluded, not to
25 be reopened. But, of course, I would listen to a

14 (Pages 237 to 240)

Page 241

1 court on that.

2 MR. COOK: I'm sure we all would.

3 That's all I have. Thank you.

4 (DEPOSITION CONCLUDED AT 11:03 A.M.)

Page 243

1 TRANSCRIPTION CORRECTIONS

2 CASE NAME: BARBARA ANNE ANDERSON v. ALFA LAVAL, INC.,
et al.

3 CASE NO.: 760CL06006790-00

WITNESS NAME: BARBARA ANNE ANDERSON - VOLUME II

4 DATE: _____

5 PAGE LINE READS SHOULD READ

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Page 242

1 STATE OF NORTH CAROLINA)

SS:

2 COUNTY OF WAKE) VOLUME II

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4 I, BARBARA ANNE ANDERSON, declare under
5 penalties of perjury under the State of North Carolina
6 that the foregoing is true and correct.

7 Executed on this _____ day of
8 _____, 2007, at _____, North
9 Carolina.

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12

13 _____
BARBARA ANNE ANDERSON

14

15 This deposition was signed in my presence by
16 _____, on the _____ day of
17 _____, 2007.

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Notary Public

My Commission expires:

Page 244

1 CERTIFICATE

2 I, RANAE McDERMOTT, RMR, CRR, a Notary Public

3 in and for the State of North Carolina, do hereby

4 certify that there came before me on January 11, 2007,

5 the person hereinbefore named, who had been previously

6 sworn to testify to the truth and nothing but the truth

7 of his knowledge concerning the matters in controversy

8 in this cause; that the witness was thereupon examined

9 under oath, the examination reduced to typewriting

10 under my direction; and the transcript is a true record

11 of the testimony given by the witness.

12 I further certify that I am neither attorney

13 or counsel for nor related to or employed by, any

14 attorney or counsel employed by the parties hereto or

15 financially interested in the action.

16 This the 20th day of January, 2007.

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RANAE McDERMOTT, NOTARY PUBLIC
Notary No. 1997112018

15 (Pages 241 to 244)

NORTON SCHELL & BRASWELL, INC.
(910) 509-0697 (910) 509-0698 (FAX)

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<p>A</p> <p>able 198:19</p> <p>Absolutely 203:25</p> <p>acceptable 214:14 214:15</p> <p>accounts 205:6 206:7</p> <p>action 244:15</p> <p>administration 228:1,12,17 229:2</p> <p>afisher@watersk... 189:6</p> <p>age 239:6</p> <p>AGRICULTURE 190:7</p> <p>ahead 228:6 232:12 234:8</p> <p>air 209:11 210:14 211:8,9 212:1,19 233:4 237:2</p> <p>al 188:7 243:2</p> <p>ALFA 188:7 191:12 243:2</p> <p>Anderson 188:4,14 193:3,8,13 195:10 195:14 199:5 217:22 219:16 238:10 240:7,16 242:4,13 243:2,3</p> <p>Anderson's 240:19</p> <p>and/or 215:25 216:14</p> <p>ANNE 188:4,14 193:3,8 242:4,13 243:2,3</p> <p>answer 199:20,21 200:19 210:5 218:23 219:22 226:2 227:19 228:14 230:24 231:14 232:2,11 232:13 239:23 240:18</p> <p>answered 196:17 197:7,16 200:18 200:25 201:18</p>	<p>205:13 206:21 207:15 208:6 213:7,15 214:23 222:3,12,19 223:10,21 224:14 224:21 225:16 227:4 228:15 229:17,25 230:10 231:9,24 232:10 232:17,24 233:6 233:14,23 234:21 235:16 236:4,11 236:18 237:4,12</p> <p>anticipate 230:22</p> <p>Anybody 197:25</p> <p>anytime 208:23 210:19</p> <p>apologize 227:20 237:15</p> <p>appear 238:25</p> <p>APPEARANCES 190:1 191:1</p> <p>appreciate 214:4</p> <p>Aransas 189:16</p> <p>area 193:25 202:13 203:16 209:1,7 211:6,10,21,24</p> <p>arthritis 238:22</p> <p>asbestos 194:22 195:2,4</p> <p>asbestos-related 239:19,25</p> <p>ASHLEY 189:3</p> <p>asked 194:20 196:16 197:6,15 200:12,18,24 201:17 203:13 205:12 206:20 207:15 208:5 213:7,15 214:22 222:3,11,18 223:9 223:20 224:13,20 225:15 227:3 228:15 229:16,24 230:9 231:8,23 232:9,16,23 233:5</p>	<p>233:13,22 234:20 235:15 236:3,10 236:17 237:3,11</p> <p>asking 218:3 219:25</p> <p>assembled 193:24</p> <p>asserted 240:19</p> <p>assist 226:5,7</p> <p>assume 209:8 215:18 217:13 232:11</p> <p>attorney 217:24 220:7 230:19 244:12,14</p> <p>attorneys 198:7</p> <p>attorney/client 240:17,21</p> <p>authorities 204:15</p> <p>Avenue 189:4</p> <p>aware 212:9</p> <p>a.m 193:2 241:4</p> <hr/> <p>B</p> <p>B 192:14</p> <p>back 193:23 199:8 215:2,4,5 216:10 227:9 234:3,13 235:19,21 237:15 238:22</p> <p>Barbara 188:4,14 193:3,8 240:7 242:4,13 243:2,3</p> <p>base 227:18</p> <p>based 194:20 240:16</p> <p>basis 229:8</p> <p>Bay 190:4</p> <p>bed 238:24</p> <p>beginning 234:3</p> <p>behalf 193:4</p> <p>believe 217:16 235:12</p> <p>belt 194:1</p> <p>Bennett 190:20,20 192:8 200:24 202:8,15 203:3,17</p>	<p>203:22 204:2 205:12,19,22 206:2,9,22 207:13 207:15 208:5,18 209:4 212:21,23 213:6,14,18 217:21,22 219:7 219:11,17 222:24</p> <p>best 198:20</p> <p>bit 193:19 218:17 232:3 235:19</p> <p>Blake 190:4</p> <p>board 207:2 227:12</p> <p>Bondex 190:19 200:20 203:7 213:2,13</p> <p>bother 203:25</p> <p>bottles 194:1</p> <p>bottling 195:8</p> <p>bottom 194:9</p> <p>Box 189:15</p> <p>boxes 193:24 194:2</p> <p>boxing 193:21</p> <p>break 217:17</p> <p>breathe 200:6 209:3 211:20 215:16 217:8</p> <p>breathed 203:20 204:3,9</p> <p>breathing 204:4 238:17,20 239:1,4 239:6,9</p> <p>buckets 202:3</p> <p>building 188:2 216:17 220:23 221:7 239:12</p> <p>buildings 196:15 208:7,8 212:14 214:13 224:23</p> <p>Burns 189:14,15 192:3 193:12,15 195:9,12,13</p> <p>Byrd 189:10</p> <hr/> <p>C</p> <p>C 189:1,3 191:8</p>	<p>192:1 193:7 244:1 244:1</p> <p>calculator 230:5</p> <p>calculators 229:23 230:1</p> <p>called 193:23</p> <p>CARBIDE 190:2</p> <p>career 195:19</p> <p>Carolina 188:17 193:6 242:1,5,9 244:3</p> <p>CASE 188:4 243:2 243:3</p> <p>cases 208:20</p> <p>cause 244:8</p> <p>caused 197:18</p> <p>Center 193:6</p> <p>certainly 205:2 239:15</p> <p>certify 244:4,12</p> <p>change 214:16 228:1,11,17,22 229:1,3,9</p> <p>Charleston 190:5 191:15</p> <p>chase 194:19</p> <p>check 199:23 239:15</p> <p>checked 239:18</p> <p>cholesterol 198:18</p> <p>CINCLANT 214:5 214:12 216:10,14 233:11 235:13 237:9</p> <p>CIRCUIT 188:1</p> <p>CITY 188:1</p> <p>civil 200:14 201:5 206:12 215:20,24 216:9 221:10,13 233:19 234:18 235:5</p> <p>claiming 194:21 195:7</p> <p>clean 210:21 211:1 215:8</p> <p>cleanup 210:23,24</p>
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211:3,25 clear 223:6 224:2,3 232:2 235:7,20 clerk 201:11 205:7 206:7 client 240:21 close 211:19 224:9 closely 234:22 clothes 199:13,17 199:23 200:5 come 194:15 200:4 213:19 215:1,3,5 222:6 command 229:9 commencing 193:1 Commercial 190:9 Commission 242:23 company 193:24 compound 200:13 212:20 221:19,22 222:8,16 223:7 231:3,4,6,21 232:7,21 233:3,10 233:18 234:16 235:24 236:6,13 236:20,24 237:6 compounds 227:2 231:20 232:6 233:2,9,17 234:15 235:12 concerning 244:7 conclude 240:9 concluded 198:11 240:12,24 241:4 concludes 240:6 condition 199:13 199:25 207:7 208:15 210:12,14 215:12 217:3 239:5,7,9,19 240:2 conditions 197:18 202:5 203:15 208:20 238:19 confine 213:20	confused 221:1 232:4 235:20 construction 196:2 196:10,15,19 201:13 205:9,16 205:25 206:15 208:2,24 209:15 210:8,20 212:15 214:10 215:25 216:14,19 217:4 218:8,12,22 220:5 220:14,16 221:3 224:6,12,18,19,25 225:19 226:6,7,9 226:14,19 237:24 contained 195:2 containers 202:3 contents 219:5 continuation 193:2 CONTINUED 190:1 191:1 contractor 218:1 222:15 controversy 244:7 conveyor 193:25 COOK 190:8 192:6 192:10 198:1,4,23 200:17 201:17,23 202:7 203:1,9,24 204:8,12,23 205:11,21 207:8 207:14 208:4,19 209:5,16,25 210:16,18 211:4 211:12,14,22 212:5,22 213:4,16 213:22,25 214:11 215:10,13,17 216:2,16,24 217:1 217:6,9,11 219:15 222:2 230:16 237:14,18 240:8 240:13,15 241:2 copy 218:15 219:16 CORPORATION 189:19 190:13	correct 194:3 204:5 209:12 214:2,8 215:23 216:9 220:9,10 221:19 222:23 224:7,15 228:18 231:15 232:15 242:6 CORRECTIONS 243:1 correctly 222:4 counsel 189:2,8,13 189:18 190:2,7,13 190:18 191:2,7,12 240:19 244:13,14 counted 229:14 COUNTY 242:2 couple 193:16 195:15 221:19 223:3 238:6 course 202:11 207:9 238:21 240:19,25 court 188:1 193:4 240:17,21 241:1 COURTS 188:2 covered 198:2 coverer 199:10 CRANE 191:7 create 200:1 207:7 208:24 214:17 215:12 created 202:6 208:16 209:3 210:13,14 211:1 215:14 217:4,10 creating 216:25 CROSS-EXAMI... 192:3,7 193:11 199:3 CRR 188:21 244:2 cut 194:18	206:6 207:12 208:10 212:3 232:8 236:9 Darby 189:20 DATE 243:4 David 189:9 213:24 david.sturm@lec... 189:12 day 206:15 225:9 225:25 242:7,16 244:16 days 196:14,19 212:8 226:10 decide 228:8 declare 242:4 Defendant 188:8 188:17 189:8,13 189:18 190:2,7,13 191:2,7,12 193:4 Defendants 190:18 240:15 deficiencies 214:2 department 193:21 233:20 234:18 235:5 deposition 188:12 193:2 198:5,13 200:11 240:7,10 240:20,24 241:4 242:15 describe 201:21 202:13 206:17 214:21 220:5 described 208:10 209:22 212:1 216:22 DESCRIPTION 192:15 desk 202:14 224:6 224:10,12 225:14 desks 202:19 determination 240:17 different 194:7 196:13 214:17 227:6 230:7	231:11 difficulty 239:6 direction 244:10 dirt 200:4 dirty 199:15 217:7 disabled 238:15 discovery 240:7,20 discussed 196:2 District 218:21 221:4 222:9 documents 198:12 doing 197:12,23 200:1 206:18 Drive 190:15,21 193:6 dry 207:4 215:3,4 drywall 201:25 206:13 215:2,3 Duane 191:3 duly 193:9 duplicating 238:11 dust 200:4,6 202:11 203:16,21 209:3 210:20 211:8,20 215:14,16 217:8 dusty 197:18 199:15 202:12 203:15 207:10 208:22 211:3,7 217:7 duties 225:18
E				
E 189:1,1 192:1,14 193:7,7 244:1,1 earlier 220:7 231:5 234:15 236:25 East 189:10,10 190:4 191:4 ecook@wilsav.com 190:12 eight 228:18,21 229:10 Eighty-seven 238:13,14 either 197:3 207:4				

216:6 239:22 Electric 188:17 189:8 193:5 eliminated 235:1 ELLIS 191:13 emphysema 239:4 employed 244:13 244:14 employees 238:1 employment 193:18 ended 198:5 ENERGY 189:18 engineering 233:20 234:18 235:5 engineer's 215:21 215:24 216:9 Eric 190:8 214:3 240:12 ESQ 189:3,3,9,14 189:20 190:3,8,14 190:20 191:3,8,13 estimate 229:15 et 188:7 243:2 everybody 225:7 exactly 197:22 examination 196:25 244:9 examined 193:9 244:8 examiner 208:1 example 221:3 Executed 242:7 EXHIBIT 192:15 expires 242:23 explain 231:1 exposed 195:1 exposure 194:21 195:7	Facsimile 189:6,12 189:17,23 190:6 190:11,17,22 191:5,11,16 Fair 225:14 fairly 211:19 familiar 200:22 201:3 fashion 230:24 father 197:3 199:9 199:12 father's 195:18 199:17 feel 230:25 Feldmann 189:20 Fifth 218:20 221:4 222:9 financially 244:15 fine 194:18 226:3 finish 226:2 227:19 227:20 finished 194:15 215:8 217:16 Firm 189:15 first 191:9 199:8 214:6 233:11 237:9 FISHER 189:3 192:7 196:16 197:6,15,19,21,25 199:1,4 217:15 218:10 219:1,8,13 220:18 221:5 222:1,3,11,18 223:9,20,25 224:8 224:13,20 225:5 225:11,15,22 226:12,16,23 227:3 228:2,13,15 228:20,25 229:5 229:13,16,20,24 230:6,9 231:8,16 231:23 232:9,16 232:23 233:5,13 233:22 234:20 235:15 236:3,10	236:17 237:3,11 238:18 240:6 fitter 195:19 five 217:17 235:21 Fleet 214:6,12 216:10,14 233:11 235:13 237:9 floor 194:9,10 floors 202:12 fluid 239:12 focus 229:18,19 folks 225:21 follows 193:10 follow-up 196:23 follow-ups 217:23 223:3 foregoing 242:6 form 197:21 199:14 199:18 200:3,7,16 200:24 201:16,23 202:7,8,15 203:1 203:3,9,17,22 204:7,12,25 205:12,19,22 206:2,9,21 207:8 207:13,14 208:4,5 208:13,18,19 209:5,16,25 210:18 211:4,11 211:13,22 212:5 212:22 213:4,6,15 213:20 214:11,22 215:10,13,17 216:2,16,24 217:1 217:6,9,12 218:10 219:1 220:18 221:5 222:1,2,11 222:18 223:9,20 223:25 224:8,13 224:20 225:5,11 225:22 226:12,16 226:23 227:3 228:2,13,20,25 229:5,13,16,20 230:6 231:8,16 232:23 233:5,13	233:22 234:20 235:15 236:3,10 236:17 237:3,11 238:18 former 219:5 FOSTER 189:18 foundation 199:19 202:9 209:6 212:24 213:7 foundations 213:18 four 228:18,21 229:10 235:21 Franklin 191:4 frequency 196:10 friendly 225:7 furnaces 194:7 further 192:10,11 230:15 231:1 237:20 244:12	232:12 234:3,8 235:18,21 237:15 goes 219:9 going 195:18 196:19 199:5 201:6,14 202:6 205:5,10 206:1,5 206:15 207:22 208:2 209:15 210:17 211:18 212:8 214:5,10 216:1,15 218:12 218:16,22 220:2 221:3 223:13 226:20 228:23 230:18,20,22,23 232:2 235:18,18 235:21 239:16 good 193:13,14 195:14 Goodlatte 189:20 gotten 205:2 government 212:7 212:8,11 228:1 238:1 Great 195:9 198:22 guess 218:15 220:3 221:1 Guthrie 190:20 guys 237:24 Gypsum 200:21 203:8 213:13
F				
F 244:1 facilities 196:13 212:15 221:12 facility 206:6 207:12				
G				
G 193:7 Garden 193:5 GARLOCK 191:2 GAUHAR 191:3 General 188:17 189:8 193:5 generally 194:13 221:24 239:6 Georgia-Pacific 190:13 200:20 203:8 213:13 give 195:1 198:20 214:1 225:12 229:11,15 given 206:14 244:11 glass 193:18 194:5 194:22 195:3,8 Glenn 189:20 Gnapp 191:3 gnaseem@duane... 191:6 go 199:8 202:20 203:16 214:16 217:15 228:6				
H				
H 189:3 190:20 192:14 hallway 202:20 220:21,21 221:8 hand 207:5 handed 219:16 happened 221:11 229:8 Hauck 191:3 head 228:7 229:22 Health 208:1,3,16 212:3 232:22				

236:16 held 198:16 Hello 230:17 helped 204:4 hereinbefore 244:5 hereto 244:14 Herns 190:3 hi 193:15 217:22 Holiday 193:5 home 198:8 199:12 204:14 honest 216:6 hospital 208:1,3,16 212:3 232:22 236:16 239:11,22 House 190:4	jellis@nexsenpr... 191:17 jmccaa@taylorw... 191:11 job 195:21,24 196:11 213:10 218:1,7,9 220:16 222:14 223:13 224:12,18 225:18 226:8 229:19,21 229:23 237:25 jobs 196:3,5 211:16 224:6,19,22 JOHN 188:2 joint 200:12 212:20 221:19,22 222:8 222:16 223:7 227:2 231:3,4,6 231:20,21 232:6,7 232:21 233:2,3,9 233:10,17,18 234:15,16 235:12 235:24 236:6,13 236:20,24 237:6 Josh 217:22 JOSHUA 190:20 191:13 jporetz@milesst... 190:17	201:1,20,24 202:3 202:10,12,20 203:18 204:13 205:15,16 207:10 207:20 208:24 209:18 210:8,21 211:1,23 212:6,8 212:9,15 213:19 214:16,17,18,18 215:6 216:3,4,4,4 216:5,18 220:22 220:24,25 221:9 225:24 230:22 235:2 237:25 239:1 knowing 238:2 knowledge 197:8 197:20 198:19 238:16 239:3,10 239:20,24 244:7 Kraus 189:4	235:19 LLC 190:3,7 LLP 189:4 located 202:14 location 201:7,14 202:16 205:10 207:21 214:9 215:19 216:12 223:18 230:19,20 231:12 locations 201:20 203:6 207:20,24 209:18,23 210:7 212:3 213:3 223:17,23,24 227:7 looking 227:9 239:22 lot 202:19 238:24 238:25 lungs 239:10,12,19	MARSHALL 188:2 Mary 189:3 213:22 matters 244:7 ma'am 196:7,21 198:5,24 219:24 230:17 237:15,22 McCAA 191:8 McDermott 188:21 244:2,18 McKinney 189:4 McLean 190:16 McLeod 190:3 mean 210:24,24 239:5 meaning 210:6 medical 238:19 medication 198:15 238:25 meet 198:6 men 214:13 mentioned 231:5 232:6 233:9,17 234:15 235:11,25 236:7,21,25 mess 208:24 211:1 mid-1980s 221:15 Miles 190:14 military 196:13 212:14 mind 237:23 mine 202:23 minutes 217:17 mischaracterizes 213:5,17 228:16 231:17 misstates 206:3,10 206:23 207:16 212:23 mkeyes@waters... 189:7 morning 193:13,14 195:15 Morrisville 188:17 193:6 mother 238:12
I idea 194:24 II 188:15 242:2 243:3 III 191:8 IMO 190:19 incorrect 218:25 indicates 227:10 individual 228:7 INDUSTRIES 190:19 information 197:2 injured 205:4 Inn 193:5 instruction 240:18 insulator 199:10 interested 244:15 INTERNATION... 190:18,19 involves 226:10 issues 240:22	K Keyes 189:3 195:6 195:12,13 213:19 213:24 214:3 219:4,18 227:19 230:1 240:11,14 240:23 kind 199:25 202:5 202:11 206:7 207:7 King 191:14 kitchen 200:1 knew 203:25 204:13 know 194:17,24 195:4 197:8,11,22	L L 189:14 191:13 Lack 212:24 lacks 213:7,18 large 202:19 laundry 200:2 LAVAL 188:7 191:12 243:2 Law 189:15 leading 203:4,10 204:6 207:16 211:4,13,22 212:5 212:23 213:14 learned 213:24 leaving 212:10 LeClair 189:9 left 195:21 lehrs 194:7,14 LINE 243:5 lines 218:18 219:11 listen 240:25 listening 234:22 little 193:19 217:17 218:16 232:3	M M 189:9 190:3 machine 199:24 main 191:9 202:18 202:18 maintenance 205:7 206:7 208:23 211:17 214:13 216:19 224:22 225:24 226:20 majority 228:4,10 making 194:5 manufacturer 222:9,17 230:4 231:4,6 manufacturers 221:19,22 230:8 231:5 235:25 236:7,13,20,24 237:6 manufacturing 194:4 mark 215:1 219:13 MARKED 192:17	
J JAMES 191:8 January 188:18 193:1 244:4,16 jbennett@benne... 190:23 Jeff 223:4,5 230:2 JEFFREY 190:14				

239:17 move 193:16 203:14 205:5 207:22 214:5 moved 193:25 227:24 228:8 moves 229:22 Moving 200:11 mud 201:25 207:3 215:3	neither 244:12 never 224:17,24 226:7 229:14 new 212:15 227:11 227:11 228:22 newer 212:14 Nexsen 191:14 Norfolk 190:10 191:10 215:20 North 188:17 193:6 242:1,5,8 244:3 Notary 242:22 244:2,18,19 notes 217:16 227:9 238:10 notice 212:13 214:1 number 229:11 NUTRITION 190:7	216:16,24 217:1,6 217:9,11 218:10 219:1 220:18 221:5 222:1,2,11 222:18 223:9,20 223:25 224:8,13 224:20 225:5,11 225:15,22 226:12 226:16,23 227:3 228:2,13,20,25 229:5,13,16,20,24 230:6,9 231:8,16 231:23 232:9,16 232:23 233:5,13 233:22 234:20 235:15 236:3,10 236:17 237:3,11 238:18 objections 213:20 observations 206:25 observed 206:18 214:25 217:5 218:13 221:11 223:12 231:10,12 observing 201:1 obviously 240:24 occur 228:11 occurred 227:6,25 Oceana 201:8,15 202:17,25 204:19 208:11 212:4 231:7,14,22 236:2 office 202:14 215:21,25 216:9 221:8,12 225:6 227:16 228:8 Oh 219:3 Okay 194:11,17,18 195:5 197:10,17 197:24,25 198:11 198:17,25 199:1,2 199:7,8,16,22,25 200:6,10,11,20,22 201:4,6,6,21 202:5,13,22,24	203:7,20 204:17 204:21 205:5,17 206:5,24 207:6,11 207:22 208:9,15 208:25,25 209:10 209:14,20 210:10 210:11,23 211:20 211:25 212:6,16 212:25 213:2,12 214:5,9,12,15,20 215:7,16,19,24 216:8,12,17 217:3 217:8,14,15,18 218:6,19 219:20 219:22 220:11 223:15 224:17 227:8,14 229:1 231:1,2 232:1,18 232:19 234:5 235:2,8,10,18,23 236:6 238:5 239:3 239:17 240:4,6 old 208:8 216:17 238:12 older 212:8 214:12 238:21 ones 207:19 222:20 230:7 234:13 ongoing 196:12,15 201:19,22 202:25 205:14,25 206:12 208:17 209:2 210:6,12 216:18 218:13 220:4,8,14 229:8 open 194:12 202:23 203:18 209:8 211:16,21,24 operation 194:4 operator 201:8 order 229:7 organization 225:23 ovens 194:13,17 Owens-Illinois 189:13 193:17	194:22 195:8 <hr/> P P 189:1,1 193:7 page 192:2,15 218:18 219:2,9,11 219:16 243:5 pages 219:8 pain 198:16 part 194:8 219:22 220:23 particular 211:17 220:16 221:7 222:8 223:7,7,19 225:8,9 231:12 parties 244:14 partitions 201:24 207:1 214:19,21 215:9 216:25 226:11,21 227:8 227:10 228:22 229:3,11 passageway 203:19 passed 220:25 passing 223:13 patch 206:13 PAUSE 219:21 PC 189:9,15 penalties 242:5 pending 240:20 people 225:24,24 227:24 228:8 performed 196:10 period 209:14 216:13 218:13 221:24 222:5,22 227:5 perjury 242:5 person 244:5 personnel 229:4 Pierce 190:3 pill 198:16,18 Pinnacle 190:15 pinpoint 205:15 207:20 pipe 195:19 199:10
--	--	--	--	--

<p>place 190:9 209:10 220:24 223:7 224:10 Plaintiff 188:5 189:2 plant 193:19 194:8 194:14,16,22 195:3,8 Plaza 189:10 190:21 please 213:21 230:24 231:1 PLLC 190:20 PO 189:15 pockets 199:23 point 221:18 pole 207:5 Poretz 190:14 192:9 200:8,16,18 201:16 202:9 203:2,11,23 204:6 204:11,24 206:20 208:13 211:11,13 214:22 223:2,4 230:12 Port 189:16 Portsmouth 199:9 position 218:21 240:23 positions 214:17 practice 214:14,15 preparation 198:13 presence 242:15 present 236:16 previous 209:23 234:9 previously 193:9 216:22 244:5 prior 195:24 197:3 198:6,12 206:3,10 206:23 207:16 212:2,24 213:5,17 228:16 239:14,17 privilege 240:18,21 problem 239:1,10 problems 238:17</p>	<p>process 206:17 208:9,14 209:24 211:3,25 212:2 214:20 216:21 product 223:19 231:7 products 194:15 200:13,23 202:24 203:5,7,13 204:18 207:11,17 212:16 212:18 231:11 projects 216:19 226:20 provide 197:2 proximity 211:19 Pruet 191:14 Public 207:25 208:3,16 210:13 212:3 232:22 236:16 242:22 244:2,18 pursuant 193:3 put 194:1,25 199:24 201:24,25 202:1 206:25,25 207:1,2,3 214:18 214:24 215:2 227:10 229:6 240:8 putting 214:20 215:8 P.C 190:14 191:3,8</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>question 206:4 210:1,11 218:19 220:3,11 231:18 233:24 237:22 questions 195:15 198:23 199:6 230:18 234:7,10 237:14 238:7 240:18 quick 198:2 230:17 230:19 235:22 237:22 240:13</p>	<p>quite 238:16</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R 189:1 191:3 193:7 244:1 RAINSFORD 190:3 192:4,11 195:14,17 196:20 237:21 238:3 Ranae 188:21 244:2,18 RANDOLPH 189:14 Randy 193:15 195:6 RDU 193:5 read 210:5 218:16 219:4,18 243:5 READS 243:5 real 198:1 216:17 230:18 235:22 really 212:9 recall 195:21,24 196:9 203:5 204:20 206:24 207:17 213:10,12 216:3,6,7 218:8 218:12,21,24 219:23 222:5 226:17 RECESS 217:19 recollect 222:5 recollection 220:15 220:19 221:2,21 222:8 225:3 226:5 229:2 recollections 226:22 record 213:23,25 219:15 232:3 235:20 240:9 244:10 RECROSS-EXA... 192:4,5,6,8,9,10 192:11,12 195:16 198:3 217:20</p>	<p>223:1 230:15 237:20 238:8 redepose 240:16 REDIRECT 196:25 reduced 244:9 related 244:13 relating 239:19 release 239:14 remember 201:22 202:24 206:13 207:4 210:22 212:16,17,18,25 213:2,9 218:3,6 220:8,13 221:23 222:16,21 225:8 226:1,21,25 227:1 227:5 230:4,8 234:17 235:3 236:1,1,8,8,14,15 237:1,1,7,8,8 renovation 201:14 205:9 206:1 208:2 208:8,9 209:15 211:18 214:10 215:25 216:15 217:5 renovations 206:12 209:2 reopened 240:25 reorganization 227:15,22 reorganizations 227:25 228:11 reorganize 227:16 repeat 210:3 231:18 rephrase 234:12 236:23 reported 188:21 204:15 205:3 represent 193:17 reserve 240:15 residue 207:10 215:14 respect 218:20</p>	<p>response 205:1 209:17 210:6 230:23 232:11 result 217:4 review 198:12 rheumatoid 238:22 Richmond 188:1 189:11 191:4 right 193:21 194:2 194:5,8,15 200:9 201:9 205:5 210:4 211:15 214:7 215:22 217:18 218:14,22 224:1 224:11,23,23 232:4 234:12 237:17 238:23 239:21 240:16 Riverfront 189:10 RMR 188:21 244:2 Roanoke 189:22 ROBERT 189:20 rodonnell@vanb... 189:17 room 202:18,19 215:1 rooms 202:21 214:17,18,24 rough 218:15 roughly 196:9 233:21 234:19 RPM 190:18,18 rules 193:3 213:20 ruling 240:20 Ryan 189:9 rziogas@gfdg.com 189:23</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S 189:1 190:14 192:1,14 193:7 sand 215:4,5 sanded 211:6 sanding 207:4,9 208:22 211:2 215:15</p>
--	--	--	--	--

Savage 190:9	218:7,9 221:23	210:14 212:1,19	taken 188:17 193:3	222:25 230:12
saw 200:13 203:12	237:25	215:20 216:8	talk 207:23,25	237:18 238:4
204:18 205:24	skirt 196:8	222:10 233:4,20	215:19 217:25	240:4 241:3
206:5,12,15 207:6	Sloan 190:3	234:19 235:6	225:7	they'd 215:4
207:19,19 208:16	small 224:22 225:6	237:2	talked 217:24	thing 205:15 208:7
209:17 210:2,6	225:23	stipulate 195:6	220:12,12 225:1,9	226:20
214:13 215:7	somebody 194:1	Stockbridge	225:9	things 193:16,17
220:5,25 221:6	227:15 229:6	190:14	talking 207:23	220:20,25 230:25
237:24	sorry 203:13	stopped 224:17,24	219:5 220:6 225:4	think 193:15
saying 204:4,9	210:13 212:17	225:1	Taylor 191:8	194:21 195:2
219:25 221:2	217:11 219:9	stopping 226:5	telephone 189:5,11	222:24 224:3
231:3,19 232:5,19	226:1 238:11	Street 189:10,21	189:16,22 190:5	232:1,3 234:25
233:1,8,16 234:1	240:11	190:4 191:4,9,14	190:11,16,22	235:19 240:13
234:14	sort 210:21	strike 212:17	191:5,10,16 201:8	thought 234:22
says 219:23	space 194:12 209:8	236:22	tell 200:14 206:14	239:15
SC 190:5 191:15	227:16	strong 226:24	213:1 214:14	three 200:23 203:5
second 216:13	speaking 226:15	stuff 206:13	215:6 220:20,22	203:7,13 207:17
235:14	specific 205:15	Sturm 189:9 192:5	220:22,24 221:6	212:25 213:9,12
see 201:13 204:17	207:23 220:4,15	194:20 196:23	222:20 223:12,18	223:14,23 231:4
205:9 206:8	220:16 221:2,3,21	197:1 199:14,18	223:22 229:6	231:20,25 232:5
207:11 208:2	221:22 222:7,16	200:3,7 218:3	230:11 231:5,10	232:14,18,20
209:14 214:9	225:3 229:2 231:6	219:2 220:13	231:11,20 232:6	233:1,8,16 234:1
215:25 216:12,14	231:21 232:7,15	Sturm's 218:19	232:14,20 233:2,9	234:15,23 235:1,2
220:1 239:5	232:20 233:3,10	subdivided 214:18	233:17 234:16	235:3,4,9,10,11
seeing 201:22	233:18 234:16,25	suit 196:8	235:3,11,25 236:7	235:17,24 236:5,6
202:25 212:18	239:24	Suite 189:21	236:14,21,25	236:12,13,19,20
213:9 220:19	specifically 213:11	190:10,15 191:15	237:7	236:22,24 237:1,5
seen 203:6 204:21	217:25 218:8,20	supply 201:11	telling 218:6	237:6,8,13
205:18	220:23 221:6	209:11 212:2	tenure 221:10,13	Thursday 188:18
service 200:14	239:9	Supreme 193:4	terms 194:4 212:19	time 193:24 197:4
201:5 206:12	Speculative 204:24	sure 194:13 196:18	tested 239:24	199:8 201:13
216:13 221:10,13	speed 230:25	200:9 203:18	testified 193:9	209:14 212:10
shake 199:22	spoke 227:8	210:4 215:11	testify 244:6	214:6 216:13,13
sheetrock 207:1	spoken 226:10	219:7 223:24	testifying 220:7	218:13 219:18
shipyard 195:20,22	SS 242:1	234:6 241:2	testimony 195:1	220:14 225:17
195:25 197:4,5	staff 215:20,24	suspicion 193:20	198:20 206:3,10	227:6 228:4,10
199:10	216:9 233:19	sweep 210:25	206:23 207:16	229:10 233:12
shut 240:14	234:18 235:5	sweeping 211:9	212:24 213:5,17	235:14 237:10
sides 202:21	standing 200:9	swept 211:6	218:15 224:4	times 229:3 239:12
signed 242:15	start 195:18	sworn 193:9 244:6	228:16 231:17	today 195:1 198:6
similar 208:14	started 201:8 212:7	S.W 189:21	244:11	198:12,15,20
221:18	starting 221:14		TH 190:7	204:13 224:5
site 196:11 202:4	State 242:1,5 244:3	T	thank 195:9 196:21	227:9 239:17
220:17 222:14	statement 240:9	T 192:1,1,14 244:1	197:24 198:24	today's 198:13
223:8,13 227:2	States 213:13	244:1	200:10 206:16	TODD 190:3
sites 213:10 218:1,4	station 209:11	take 217:17 219:18	217:14 219:17	todd rainsford@...

190:6 told 238:15 top 194:10 196:8 Tower 189:10 191:9 trade 197:13 training 205:6,20 206:6 207:12 208:10 212:4 transcript 244:10 TRANSCRIPTI... 243:1 treated 239:4 trowel 207:5 true 228:3 242:6 244:10 truth 244:6,6 try 230:18 trying 214:1 222:4 232:2 turned 204:14 twice 215:5 two 223:23 226:10 two-by-fours 207:1 214:25 TX 189:5,16 type 197:12,22 201:21 205:14,17 205:23,24,25 208:15 209:22 210:19,20 211:17 215:12 216:19,19 217:3 238:17 239:4,18,25 typewriting 244:9 typically 196:4 225:13 227:25	214:3 224:3,4,4 226:9 231:13 232:13 239:23 understood 234:7,9 UNION 190:2 United 213:13 use 214:25	226:8 229:9,18 239:22 Waters 189:4 way 194:25 224:6 225:14 232:12 238:2 wear 196:5 weeks 196:14 weird 219:9 welcome 195:11,13 196:22 went 206:18 212:2 216:10 229:3,12 230:19 239:21 Westbrook 190:21 we'll 207:22,25 215:19 217:16 234:3 we're 195:7 207:22 207:23 213:25 214:5 224:3 WHEELER 189:18 white 207:2 Willcox 190:9 Winston-Salem 190:21 Withdraw 204:2 witness 195:11 196:18,22 198:25 199:20 210:3 219:3,20 229:22 230:14 237:17,19 238:5 240:5 243:3 244:8,11 word 220:4 work 196:3,5 197:3 197:12,17,23 199:12 200:13 201:5,22 202:6,13 202:25 203:16 205:17,23,24 206:1,5,7,19 207:6 208:17 209:1,2,22 210:12 210:15 211:10,21	218:22 222:5 223:13 224:17,24 225:18,25 229:6 worked 195:19 197:4,4 199:9 201:7,15 209:10 221:7,12 222:14 223:17 worker 221:7 225:8 226:8 workers 203:12 206:18 210:25 215:7 225:2,4,14 226:6 227:11,11 working 195:25 203:12 204:18 208:23 221:8,9,25 222:21 231:22 232:8,21 233:4,11 233:19 234:17 235:13 236:2,9 237:9 workplace 201:2 wouldn't 204:3 224:9	Z ZIOGAS 189:20 192:12 238:6,9 240:4
	V v 243:2 VA 189:11,22 190:10,16 191:4 191:10 vague 226:22 vaguely 226:21 various 196:3 203:6 227:2 237:25 verify 220:11 Virginia 188:1 191:9 193:4 213:20 VOLUME 188:15 242:2 243:3 voucher 208:1 vs 188:6			1 1 219:9 1st 189:21 10 191:4 10:05 193:2 101 218:18 219:11 219:16 11 188:18 193:1 244:4 11:03 241:4 1197 189:15 1300 191:9 1500 193:5 1560 190:21 1751 190:15 1800 190:10 193 192:3 195 192:4 1960s 196:4 1962 196:11 221:14 197 192:5 1974 209:10 1975 209:11 214:7 1976 215:21 233:21 234:19 235:6 1978 215:21 233:21 234:19 235:6 198 192:6 1980 196:11 199 192:7 1997112018 244:19
U Um-hum 199:11 202:2 205:8 207:18 208:21 212:12 226:18 230:14,21 234:24 237:19 240:5 understand 206:16	W wait 215:3 WAKE 242:2 walk 224:5,11 225:13 walked 201:2 202:10 Walker 191:8 want 193:18 199:8 210:4 216:5 217:15,25 219:4 223:6 224:2 234:6 235:2,20 wanted 227:15,16 228:8 warnings 204:17 204:20,21 washed 199:17 washing 199:24 wasn't 221:12		X X 192:14	2 2 219:9 20th 244:16 200 189:21 2007 188:18 193:1 242:8,17 244:4,16 205 191:14 210 189:21 214 189:5,6
			Y Yeah 196:18 197:8 201:19,24 206:11 210:1 213:8 219:8 years 201:5 206:11 206:24 210:7 213:9 220:8,20 221:14 222:4 226:25 227:1,23 228:18,21 229:10 229:12 yesterday 194:21 196:2 198:6,11 199:22 200:12 218:4,16 220:12 224:5 227:9,10 230:2 yes-or-no 230:23	

217 192:8	625-1504 191:11
22 206:11 220:8	625-7300 191:10
221:14,24 222:4	628-5566 190:11
229:12	628-5661 190:11
22-year 222:22	644-7400 191:5
227:5	649-8329 191:5
22102-3833 190:16	
223 192:9	7
224-8005 189:22	70s 196:4
224-8050 189:23	703 190:16,17
23 227:23	720-1777 191:16
23-year 221:24	722-7732 190:6
230 192:10	722-7733 190:5
23218-2499 189:11	749-3330 189:17
23219 191:4	75204 189:5
23510 190:10	757 190:11,11
191:10	191:10,11
237 192:11	76 214:7
238 192:12	760CL06006790-...
24001 189:22	188:4 243:3
27103 190:21	765-3121 190:22
29402 191:15	765-8622 190:22
29413 190:5	78373 189:16
3	8
3 219:9	80s 196:4
321 190:4	800 189:16
3219 189:4	804 189:11,12
336 190:22,22	191:5,5
357-6244 189:5	843 190:5,6 191:16
357-7252 189:6	191:16
4	85 221:16,17
4 218:18 219:12	888 189:17
40 220:20	9
400 191:15	9 218:18 219:12
5	903-9000 190:16
50 220:20	916-7170 189:11
500 190:15	916-7270 189:12
531-8720 189:16	951 189:10
540 189:22,23	
555 191:9	
579-7811 191:16	
6	
610-8686 190:17	